

Panaji, 2nd August, 1984 (Savana 11, 1906)

SERIES II No. 18

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Works, Education and Tourism Department

Order

No. 13/12/84/WET

Read: Government Order No. 13-1-75-EDN dated 22-12-1975.

On the recommendation of Union Public Service Commission Shri K. N. Subhash is hereby appointed to officiate in the post of Head of Department, Mining & Mine Surveying in Government Polytechnic, Panaji, with effect from 3/7/1984.

The appointment is temporary and he will be on probation for a period of two years.

The scale of pay of the post is Rs. 1100-50-1600 and his initial pay will be fixed on a higher pay of Rs. 1300/- per month as recommended by the Union Public Service Commission vide their letter No. F.1/594/82-R.F. dated 20/2/84. He will be entitled for dearness allowances and other allowances as admissible to the employees of this Administration.

Other conditions of his service will be governed by the relevant rules and orders issued by the Central Government on this behalf from time to time.

His appointment is subject to the condition that in case he is found to be having bad character/reputation or antecedent his services will be terminated.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 27th July, 1984.

Order

No. 8/37/84/WET

Read: Memorandum No. 8/27/83/WET dated 27-6-1984.

On the recommendation of Local Selection Committee Kum. Lily Anne Mendonsa is hereby temporarily appointed on ad-hoc basis as Lecturer in Applied Art in Goa College of Art, Mira-Mar, Panaji, with effect from 3-7-84 (F.N.) on an initial pay of Rs. 700/- per mensem in the pay scale of Rs. 700-40-1100-50-1600 plus the usual allowances admissible from time to time.

The appointment is purely on ad-hoc basis and will not bestow on her any claim for regular appointment, promotion to higher post and seniority.

Other conditions of service will be governed by the relevant rules and regulations in force from time to time.

Kum. Mendonsa has been medically examined and found fit.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify her from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 27th July, 1984.

Order

No. 8/39/84-WET

Read: Memorandum No. 8/27/83/WET dated 27-6-1984.

On the recommendation of Local Selection Committee Shri Domnic Cordo is hereby temporarily appointed on ad-hoc basis as Lecturer in Applied Art in Goa College of Art, Mira-Mar, Panaji, with effect from 4-7-84 (F.N.) on an initial pay of Rs. 700/- per mensem in the pay scale of Rs. 700-40-1100-50-1600 plus the usual allowances admissible from time to time.

The appointment is purely on ad-hoc basis and will not bestow on him any claim for regular appointment, promotion to higher post and seniority.

Other conditions of service will be governed by the relevant rules and regulations in force from time to time.

Shri Cordo has been medically examined and found fit.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 26th July, 1984.

Order

No. 8/40/84/WET

Read: Memorandum No. 8/27/83/WET dated 27-6-84.

On the recommendation of Local Selection Committee Kum. Sabita S. Raiturkar is hereby temporarily appointed on ad-hoc basis as Lecturer in Applied Art in Goa College of Art, Mira-Mar, Panaji, with effect from 5-7-84 (F.N.) on an initial pay of Rs. 700/- per mensem in the pay scale of Rs. 700-40-1100-50-1600 plus the usual allowances admissible from time to time.

The appointment is purely on ad-hoc basis and will not bestow on her any claim for regular appointment, promotion to higher post and seniority.

Other conditions of service will be governed by the relevant rules and regulations in force from time to time.

Kum. Raiturkar has been medically examined and found fit.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify her from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 27th July, 1984.

Directorate of Education

Order

No. DE/Acad. I/NEZ-Pe/NEHS/78/1643

Government is pleased to constitute the following Committee to go into the case of one Shri Mohan Pednekar, a Physically Handicapped Asst. Teacher of New English High School, Mandrem, Pernem-Goa, and to ascertain the possibility/feasibility of his undergoing B. Ed. training as required under the Grant-in-Aid Code, in view of his disability:

1. Dr. U. G. Nasnodker, Orthopaedic Surgeon, Goa Medical College, Panaji-Goa — Chairman.
2. Health Officer, Pernem, Tuem — Member.
3. Shri R. V. Bhat, Zonal Officer, North Educational Zone, Mapusa-Goa — Member Secretary.

The Committee shall submit the report with its detailed finding within 10 days of the receipt of this order to the Director of Education Panaji.

L. Khiantge, Director of Education and Additional Secretary to the Government of Goa, Daman and Diu (Ex-Officio).

Panaji, 2nd July, 1984.

Local Administration and Welfare Department

Order

No. 3-11-79-LAWD-MUN(GEN)

Read: 1) Govt. order No. 3-11-79-LAWD-MUN(GEN) dated 24-1-1982.

2) Govt. order No. 3-11-79-LAWD-MUN(GEN) dated 18-12-84.

In exercise of the powers conferred under section 72 of the Goa, Daman and Diu Municipalities Act, 1968 as amended under Act No. 19 of 1978, the Government is pleased to appoint the following officers as Chief Officers of Sanguem and Quepem Municipalities, in addition to their own duties with immediate effect, in place of S/Shri L. F. Correia and D. V. Prabhu, respectively, repatriated to their parent Department.

- 1) Shri B. J. Makvana, Jt. Mamlatdar, Sanguem — Chief Officer, Sanguem Municipal Council.
- 2) Shri A. G. Hegde Dessai, Jt. Mamlatdar, Quepem — Chief Officer, Quepem Municipal Council.

2. Shri L. F. Correia, Chief Officer Sanguem and Shri D. V. Prabhu, Chief Officer Quepem are directed to hand over the charge to the above Joint Mamlatdars and report to the Joint Secretary (Personnel) Secretariat for further postings.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (LAWD).

Panaji, 22nd July, 1984.

Office of the Asstt. Registrar of Cooperative Societies

No. 16-15-83/AR(Dairy)/LQD

Read: This office order No. 5-2-82/AR(Dairy)/LQD dated 3rd March, 1984 appointing Shri C. G. Konnuri, Coop. Officer, Coop. Societies (Dairy) Ponda as a liquidator of Karmali Khorlim Sah. Dudh Vya. Sanstha Ltd., Carmalim.

Order

In partial modification of this office order cited above, Shri Keshav Shanu Gaude, Jr. Inspector, Coop. Societies (Dairy) Ponda is hereby appointed as liquidator of the Karmali Khorlim Sah. Dudh Vya. Sanstha Ltd., Carmalim-Tiswadi in place of Shri C. G. Konnuri, Coop. Officer, Coop. Societies (Dairy) Ponda with immediate effect.

A. V. Chikkodi, Asstt. Registrar, Coop. Societies, Dairy.

Ponda, 16th June, 1984.

No. 16-30-83/AR(Dairy)/LQD

Read: This office order No. 6-6-82/AR(Dairy)/LQD/82 dated 25th November, 1982 appointing Shri P. L. Naik, Jr. Inspector, Coop. Societies (Dairy) Ponda as liquidator of the Kamdhenu Sahakari Dudh Vya. Sanstha Ltd., Sanquelim-Bicholim in place of Shri D. Y. Gawas.

Order

In partial modification of this office order cited above, Shri Rajendra B. N. Satardekar, Jr. Inspector, Coop. Societies, (Dairy) Ponda is hereby appointed as liquidator of Kamdhenu Sah. Dudh Vya. Sanstha Ltd., Sanquelim-Bicholim in place of Shri P. L. Naik, Sr. Inspector, Coop. Societies, South Zone, Margao with effect from the date of taking over the charge of the society.

A. V. Chikkodi, Asstt. Registrar, Coop. Societies, Dairy.

Ponda, 16th June, 1984.

No. 16-26-83/AR(Dairy)/LQD

Read: This office order No. 6-3-82/AR(Dairy)NZ/LQD/82 dated 25th October, 1982 appointing Shri R. D. Morajkar, Jr. Auditor, Coop. Societies (Dairy) Ponda as liquidator of Shantadurga Sah. Dudh Vya. Sanstha Ltd., Van-Bicholim.

Order

In partial modification of this office order cited above, Shri Rajendra B. N. Satardekar, Jr. Inspector, Coop. Societies, (Dairy) Ponda is hereby appointed as liquidator of Shri Shantadurga Sah. Dudh Vya. Sanstha Ltd., Van-Bicholim in place of Shri R. D. Morajkar, Jr. Auditor, Coop. Societies (Dairy) Ponda with effect from the date of taking over the charge of the society.

Sd/-

A. V. Chikkodi, Asstt. Registrar, Coop. Societies, Dairy.

Ponda, 14th June, 1984.

No. 16-20-83/AR (Dairy)/LQD

Read: This office order No. 6-1-82/AR(Dairy)/LQD/SDVS/82 dated 25th Sept., 1982 appointing Shri B. A. Kerkar, Jr. Auditor, Coop. Societies (Dairy) Ponda as liquidator of Savitri Sah. Dudh Vya. Sanstha Ltd., Parye.

Order

In partial modification of this office order cited above, Shri Rajendra B. N. Satardekar, Jr. Inspector, Coop. Societies (Dairy) Ponda is hereby appointed as liquidator of Savitri Sah. Dudh Vya. Sanstha Ltd., Parye in place of Shri B. A. Kerkar, Jr. Auditor, Coop. Societies, Dairy, Ponda with effect from the date of taking over the charge of the society.

A. V. Chikkodi, Asstt. Registrar, Coop. Societies, Dairy.

Ponda, 15th June, 1984.

Notification

No. 22/59/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of road Borus to Tirwan via Kelshi in V. P. Lollem Palem & Cotigao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect

under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector, Goa South Division, Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector, Goa South Division-Margao.
3. The Executive Engineer, Works Division VI (R&B) Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector, Goa South Division, Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Canacona	Lollem	37	2 part	1. Sheshigiri Jivottam P. Dessai Borus.	800.00
				3 part	1. Tivikram Jivottam P. Dessai Borus.	475.00
				4 part	1. Ramchandra Vithal P. Dessai Borus.	1125.00
				5 part	2. Anant Vassudeu P. Dessai Borus.	
					1. Anant Vassudeu P. Dessai Borus.	800.00
					2. Ramchandra Vithal P. Dessai Borus.	
					<i>Boundaries:</i>	
					North: S. No. 37/2, 3, 4, 5.	
					South: S. No. 37/2, 3, 4 and 5.	
					East: Village boundary of Cutigao.	
					West: S. No. 37/2.	
	Canacona	Cotigao	6	11 part	1. Prakash V. P. Dessai.	675.00
				12 part	1. Venkatrai M. P. Gaunker.	225.00
				16 part	1. Mono Vithu Gosavi.	565.00
					2. Purso Narayan Gosavi.	
					3. Pundalik Shablo Gosavi.	
				17 part	1. Mukund Mortu Prabhu Dessai.	1025.00
					2. Pandurang Mortu Prabhu Dessai.	
					1. Shanker Narayan Gosavi.	1375.00
					2. Purso Narayan Gosavi.	
					3. Mahabaleshwar Narayan Gosavi.	
					4. Sadanand N. Gosavi.	
					5. Krishna Narayan Gosavi.	
					6. Purso N. Gosavi.	
			5	13 part	1. Prakash O. P. Dessai.	1600.00
				12 part	1. Venkatrai M. P. Gaunker.	450.00
				11 part	1. Anand Vasudev P. Dessai.	750.00
				10 part	1. Shanker K. P. Dessai.	300.00
				1 part	1. Ganesh U. P. Dessai.	450.00
				2 part	1. Achut P. Dessai.	150.00
				3 part	1. Narayan Raya Naik.	525.00
				4 part	1. Ratnabai Pandari Naik.	1125.00
				6 part	1. Deuki Keshew Naik.	525.00
				7 part	1. Dhuka Mortu Naik.	1400.00
				8 part	1. Narayan Raya Naik.	775.00
				9 part	1. Datta Vaidya.	900.00
			4	6 part	1. Daku Mortu Naik.	2800.00
			3	9 part	1. Acalbai Ganpant Paiginker.	1800.00
				10 part	1. Mahadev Vishwanath Acharya.	1425.00
				11 part	1. Narayan Naik.	400.00
					2. Retanabai Naik.	
				8 part	1. Deuki Mortu Naik.	1350.00
			9	2 part	1. Shri Dev Durga Devi.	2250.00
				6 part	1. Caitan Monteiro.	4125.00
			14	1 part	1. Swami of Partagal Math.	4925.00

1	2	3	4	5	6	7
Canacona	Cotigao	13	14 part	1. Inacia Monteiro. 2. Filip Monteiro. 3. Sebastiao Monteiro.		700.00
		15 part	—	1. Inacio Monteiro. 2. Filip Monteiro. 3. Sebastiao Monteiro. 4. Caitan Monteiro. 5. Antonio Monteiro. 6. Matheu Monteiro. 7. Francisco Monteiro. 8. Narayan Pandurang Kamat. 9. Shashikant Vishnu Porob. 10. Ramchandra Kamat.		4350.00
		16	5 part	1. Mathew Monteiro. 2. Antonio Monteiro. 3. Inacio Domingo Monteiro. 4. Filip Monteiro. 5. Francisco Monteiro.		1500.00
		16	6 part	1. Filip Monteiro. 2. Sebastiao Monteiro. 3. Inacio Domingo Monteiro. 4. Caetano Monteiro. 5. Antonio Monteiro.		1375.00
		20 part	—	1. Arun Kamat.		3200.00
		19	3 part	1. Arun Hari Kamat.		1950.00
				North: 6/11, 12, 13, 16, S. No. 7, 5/13, 12, 11, 10, 1, 2, 3, 4, 6, 7, 8, 9, 4/5, 3, 3/9, 10, 11, 8, 9/2, 6, 14/1, 13/2, 14 and Nala, S. No. 15, S. No. 16/5, 6 and road S. No. 19/3.		
				South: 6/11, 12, 16, 17, S. No. 7, S. No. 5/13, 12, 11, 10, 1, 3, 4, 6, 7, 8, 9, S. No. 4/6, 3/9, 10, 11, 8, 9/2, 6, S. No. 8, 14/1, 13/14, 15, 16/5, 6, S. No. 20 and road.		
				East: S. No. 6/16, 17, 5/13, 12, 11, 10, 1 and S. No. 19/3.		
				West: Village boundary of Loliem S. No. 6/12, 16, 17, 5/13, 12, 11, 10.		
Total						47265.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 21st July, 1984.

Notification

No. 22/157/82-RD

Whereas by Government Notification No. 22/157/82-RD dated 30-12-82 published on page 558-559 of Series II, No. 41 of the Official Gazette, dated 6-1-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of Sub Health Centre and Staff Quarters at Arvalem Bicholim.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of

the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Dy. Collector Collectorate of Goa to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Dy. Collector, Collectorate of Goa, till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bicholim	Arvalem	24	10 (part)	Fatco B. Naik.	40.00
			24	11 (part)	Laxman B. Naik.	270.00
			"	12 (part)	Laxman M. Malik.	363.00
			"	13 (part)	Govind Devgo Mallk.	490.00
			"	8 (part)	Mukund S. Chark.	8.00
			25	1 (part)	Babi K. Malik.	335.00

1	2	3	4	5	6	7
Boundaries:						
North: New Road.						
South: S. No. 25/1.						
East: 24/9.						
West: S. No. 25/1 24/10.						
Total						1506.00.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 25th July, 1984.

Notification

No. 22/149/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for Rural Water supply scheme to village Varconda (VRG-2) in Pernem Taluka.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector (2-North), Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector (2-North), Panaji.
3. The Executive Engineer, W. D. XVII (PHE) P.W.D. Altinho, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (2-North) Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Pernem	Varconda	223	1 (part)	Ramchandra Soyaraji Parab. Bablo Sake Parab. Narayan Sake Parab. Vasant Satu Parab. Sukdo Sake Parab. Arjun Kanu Daware. Fati Saji Keni. Vithal Pandurang Parab. Anant Vishnu Barve. Tenant: Navaso Ladu Parab.	725.00
			223	3 part	North: Survey No. 223/1, 3. South: Survey No. 223/1, 3. East: Survey No. 223/1 & road. West: Survey No. 223/1.	175.00
			218	26	Laxman Raghunath Parab.	300.00
			218	27	Ramkrishna Mukund Parab.	250.00
			218	28	Vishnu Dattaram Parab.	100.00
			218	29	Hanumat Shankar Parab. Raghuvir Sadashiv Parab. Mahadev Sankaram Parab. Navaso Jairam Parab.	125.00
			218	30	Atmaram Mahadev Thakur.	140.00
			218	31	Ramchandra Fati Parab.	140.00
					North: Survey No. 217/28, 29, 30, 31, 32, 33, 34 & 35. South: Road. East: Survey No. 206/1 & Survey No. 217/36. West: Survey No. 218/25.	
Total						1955.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 21st July, 1984.

Notification

No. 22/124/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Police check post building at Patradevi Pernem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector North-I, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

- 1. The Collector of Goa, Panaji.
- 2. The Additional Dy. Collector North-I, Panaji.
- 3. The Inspector General of Police, Panaji.
- 4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector North-I, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Pernem	Torcem	125 part	—	Devasthan Committee, Temple of Torcem, Gimchepani, Torcem, Pernem. North: S. No. 125. South: S. No. 125. East: Road. West: S. No. 125.	400.00
Total						400.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).
Panaji, 21st July, 1984.

Notification

No. 22/161/83-RD

Whereas by Government Notification No. 22/161/83-RD dated 29-11-1983 published on page 409 of Series II, No. 35 of the Official Gazette, dated 2-12-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. at Guirim Rehabilitation of families displaced due to widening of N.H. 17 between KM 7.80 to 9.357 Panaji-Mapusa.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule

hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above:

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Dy. Collector (MAG) Collectorate of Goa, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Dy. Collector (MAG) Collectorate of Goa, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bardez	Guirim	158	17	Comunidade of Guirim. Boundaries: North: S. No. 158/14, Road. South: S. No. 158/18. East: Road. West: S. No. 158/16.	825.00
Total						825.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).
Panaji, 25th July, 1984.

Notification

No. 22/147/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. L.A. for stackyard and construction of Additional Water treatment plant at Assonora.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Deputy Collector (2-North) Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector (2-North) Panaji.
3. The Executive Engineer W.D. XVII (PHE), P.W.D. Altinho, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (2-North), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bardez	Moitem	19 part	—	1. Ramchandra Chinaji Padval. 2. Pandurang Pundalik Padval. 3. Dwarkabai Atchut Padval.	31050.00
			18 part	—	1. — do — 2. — do — 3. — do —	23500.00
					North: S. No. 19, Nala. South: Village boundary of Assonora S. No. 106 (Assonora). East: River. West: Road.	
Total						54550.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 21st July, 1984.

Public Health Department

Order

No. 5/90/79-PHD (Vol.III)

On recommendation of the Departmental Selection Committee constituted for considering selection on ad-hoc basis to the post of Lecturer in Pathology in the Goa Medical College, under the Goa, Daman and Diu Medical Education Service Rules, 1979, the Administrator of Goa, Daman and Diu is pleased to appoint Dr. Purnanonda Sinai Audi, Junior Assistant Clinical Pathologist in the Goa Medical College, as Lecturer in Pathology on ad-hoc basis with effect from the date Dr. Audi takes the charge of the post of Lecturer in Pathology.

2. The appointment of Dr. Audi is made against the vacant post of Lecturer in Pathology created vide order No. 1/16/80-PHD dated 25-8-1980.

3. The services rendered on ad-hoc basis by Dr. P. S. Audi in the post of Lecturer in Pathology will not bestow on the

person a claim for regular appointment and will not count for the purpose of seniority in that grade.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 24th July, 1984.

Order

No. 5/97/79-PHD-Jr. Anae.

On the recommendation of the Local Selection Committee, Dr. (Mrs.) Shaila Kamat is appointed on ad-hoc basis to the post of Jr. Anaesthetist under the Directorate of Health Services and posted in the Family Welfare Programme, Panaji (North Zone) under the Directorate of Health Services with immediate effect in the scale of Rs. 650-30-740-35-810-EB-830-40-1000-EB-40-1200 and on the terms and conditions contained in the Government Memorandum of even number dated 5-1-1984. Dr. (Mrs.) Shaila Kamat should report to her place of posting immediately.

The above appointment will not bestow on the person a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade or eligibility for promotion to the next grade.

The doctor has been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 24th July, 1984.

Notification

No. 27/3/83-PHD

Government is pleased to constitute a High Powered Board for the Union Territory of Goa, Daman and Diu consisting of the following members namely:—

1. Hon'ble Chief Minister/Health Minister — Chairman.
2. Secretary (Health) — Member.
3. Secretary (Finance) — Member.
4. The Dean, Goa Medical College — Member.
5. The Professor, T.B. and Chest Diseases — Member.
6. The Director of Health Services — Member Secretary.

The Board shall advise the Government on the matter concerning the policy decisions required for vigorous implementation of the Tuberculosis programme and for effective monitoring.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 20th July, 1984.

Corrigendum

No. 6/3/84-PHD

Read: Government Order of even number dated 13th July, 1984.

The transfers/postings of Dr. Arvind Salelkar, Surgeon and Dr. Suresh Mahale, Medical Officer referred in the above Government order may be read as follows.

Sr. No.	Name of the Officer/ /designation	Designation and place of posting
1.	Dr. Arvind Salelkar, Surgeon, Asilo Hospital, Mapusa.	Surgeon, Primary Health Centre, Pon- da vice Dr. Anil Sardesai transfe- red.
2.	Dr. Suresh Mahale, Medical Officer, Medical Officer, Pri- mary Health Centre, Canacona.	Rural Medical Officer, Rural Medical Dis- pensary, Dabal.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 24th July, 1984.

Industries and Labour Department

Order

No. 5/86/60-ILD-Vol.II

Shri A. D. Naik, holding the post of Assistant Geologist in the Directorate of Industries and Mines, Panaji on adhoc basis vide Government Order No. 5-25-70-ILD(III) dated 1st September, 1979 is hereby promoted to the said post on regular basis with effect from 2-10-1977.

Shri Naik is not entitled to arrears of pay from 2-10-1977 to 31-8-1979 on re-fixation of his pay.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 25th July, 1984.

Order

No. 28/11/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. M. V. Gosalia, Cacora, Curchorem-Goa, and their workman Shri Madhukar P. Porob, Steel Sheet Cutter-cum-Buffer, represented by the National Commercial & General Employees' Sangh, Aquem Alto, Margao, Salcete-Goa, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. M. V. Gosalia, Cacora, Curchorem in terminating the services of Shri M. P. Porob, Steel Sheet Cutter-cum-Buffer with effect from 5-10-1982 is legal and justified?

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 25th July, 1984.

Order

No. 28/12/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Margao Mahila Consumer Co-operative Society Limited, Margao, Salcete-Goa and their workman Shri Shaikh Muktiyar, Salesman, residing at Toleband Dovorlim, Navelim, Salcete-Goa, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Margao Mahila Consumer Co-operative Society Limited, Margao, Salcete-Goa, in terminating the services of Shri Shaikh Muktiyar, workman, with effect from 1-6-1983 is legal and justified?

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 25th July, 1984.

Order
No. 28/24/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Small Industries Service Institute Co-operative Stores Limited, Dando, Margao, Salcete-Goa and their workman, Shri Dilip Bandodkar, Clerk in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Small Industrial Service Institute Co-operative Stores Limited, Dando, Margao, Salcete-Goa, in terminating the services of their workman, Shri Dilip Bandodkar, Clerk w. e. f. 1-3-1984 is legal and justified?"

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 25th July, 1984.

Order

No. 28/25/83-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Krishnanath B. Naik, Margao, Salcete-Goa, and their workman Shri Venkatesh P. Kamat Timblo, In-Charge, resident of Aquem Alto, Margao, Salcete-Goa, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Krishnanath Baburao Naik, Margao, Salcete-Goa, in terminating the services of their workman Shri Venkatesh P. Kamat Timblo, In-Charge, with effect from 7-2-1983 is legal and justified?"

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 25th July, 1984.

Order

No. 28/29/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. United Services, Moti Sandan,

Vasco-da-Gama, Goa, and their workman, Shri I. S. Reddy, Supervisor, represented by the President, National Commercial and General Employees Sangh, Aquem-Alto, Margao, Salcete-Goa, in respect of the matters specified in the Schedule hereunder written (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji-Goa, constituted under section 7A of the said Act.

SCHEDULE

"Whether the demand of the National Commercial and General Employees Sangh, for absorption or taking over the services of Shri I. S. Reddy, Supervisor with continuity of services by M/s. United Services contractor of M/s. Zuari Agro Chemicals Ltd. in accordance with the terms of settlement dated 3-6-82, is legal and justified?"

If so to what relief the workman Shri I. S. Reddy is entitled to?"

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 24th July, 1984.

Order

No. 28/54/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. U.T.C. Tourism Private Limited, Hotel Silver Sands, Colva, Salcete-Goa, and their workman Shri Caitano Vaz, Barman, resident of Orgao, Loutolim, Salcete-Goa in respect of the matters specified in the Schedule hereunder written (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji-Goa, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. U.T.C. Tourism Private Limited, Hotel Silver Sands, Colva, Salcete-Goa in terminating the services of their workman Shri Caitano Vaz, Barman, w.e.f. 9-3-1984 is legal and justified?"

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 24th July, 1984.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the

provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash, V. Elekar, Under Secretary (Industries and Labour).

Panaji, 16th July, 1984.

IN THE LABOUR COURT GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/6/82

- | | |
|-------------------------------------|-------------|
| 1. Mr. Ashok S. Rajadhyaksh | — Applicant |
| V/s. | |
| 1. Shri Pravinkumar S. Gosalia, | — Opponents |
| Mg. Director. | |
| 2. Shri Vinod S. Gosalia, Director. | |
| 3. M/s. S. Kantilal & Co. Pvt. Ltd. | |

Applicant represented by Shri P. Ghodge, President of the Goa Shops and Industrial Workers' Union and Adv. F. D'Mello.

Opponents represented by Shri Ramesh Desai, Labour Advisor.

Panaji, Dated: 26-5-1984

AWARD

In this application filed by the above applicant against the above Opponent under Section 33C(2) of the I.D.A., 1947, in short the Act, it is prayed that the Opponents be directed to pay him Rs. 11,345-20 of his wages from January, 1981 to January 1982, as per the details shown in the annexure.

2. It is stated in the application that the applicant was employed with the Opponents on 10-10-1967 as Accounts Clerk at the Head Office at Margao, with the initial monthly salary of Rs. 260/- which, later, was increased to Rs. 996-90. He has approached the Management to get his salary dues, but with no result.

3. The Opponents, in their written statement, raised the objection regarding the impleading of Shri Pravinkumar Gosalia and Shri Vinod Gosalia, in their individual capacity, as Opponents in the proceedings, stating that the applicant was in the employment of the Company, who is the employer and the sole responsible for the purpose of law and not the Directors, in their individual capacity.

On merits, it is stated that the Company, since 1973-74, has been facing difficulties in its business and in the last 4 years, an acute financial crisis. The workers were paid their wages, although with delay. A meeting was called and the workmen employed in the Mines agreed to give production at a certain rate per month, based on which the Opponents agreed to effect payment linked with production to the workmen employed in the Mines. Unless production was made by the workers in the Mines, there would be no effective work to perform in their day to day activities. On account of the failure on the part of the workers to give any production in the month of December 1980, the employees in the Head Office were considered as on lay-off without wages, which position was explained to the applicant and others. Since the applicant is to be considered as on lay-off and did not perform any work after resuming duties, he is not entitled to any wages, as claimed in the application.

4. Following issues were framed by the Court:

1. Whether the applicant proves that he is a workman within the meaning of Section 33C(2) of the I.D.A., 1947, briefly called the Act?
2. Whether the applicant proves that he is entitled to claim from the Opponent Rs. 11,345-20, as his salary dues from January 1981, to January 1982, as per the details shown in the annexure to the application?
3. Whether the applicant proves that the Opponents two and three, as Managing Directors of Opponent No. 1, are also liable to pay the dues claimed by him?
4. Whether the Opponents prove that the applicant is to be considered as in lay off without wages during

the above mentioned period, on account of the Section of the workmen on Mines not performing any work after resuming duty?

5. Whether the Opponents prove that during the said period the applicant has not performed any duties, and, consequently, is not entitled to any wages?"

5. Issue No. 1 was not pressed by the Ld. Rep. of the Opponents and, hence, it is to be deemed as dropped. On the other issues, both the parties' rep. led their evidence. The applicant got himself examined and the Opponent's rep. examined Shri Vinod S. Gosalia, Director of M/s. S. Kantilal and Company Private Limited.

6. I shall take up first issue No. 3 regarding liability of the Managing Directors of the Company, in their individual capacity, to pay the dues of the applicant.

It is an admitted fact that the employer of the applicant was the Company, M/s. S. Kantilal & Co. Pvt. Ltd., and not its Directors in their individual capacity and, therefore, the said Directors in their individual capacity cannot be held liable to pay to the applicant whatever amounts are due to him in connection with the employment as, in the eyes of law, the Company is a separate entity, distinct from its members. Consequently, the Company alone can be held responsible for whatever dues are claimed by the applicant in connection with his employment in the Company. I, therefore, direct that the names of Shri Pravinkumar S. Gosalia and Shri Vinod S. Gosalia be deleted from the proceedings as Opponents.

7. Coming now to issue No. 2:

The applicant, in his statement, has confirmed the contents of his application and added that, after the filing of the application, he has been paid full salary for January and February, 1981, and Rs. 200/- as an advance against his salary for March, 1981.

In his cross, he has admitted that the purchase of ore by the Company from independent Mine Owners went on gradually decreasing and, virtually, came to a standstill in 1980. He has further admitted that, except for the last 6 to 7 years, the Company used to pay their wages in time. He has denied the knowledge of the meeting alleged to be held by the Company and also that the payment of their wages was linked with the production in the Mines.

8. Shri Vinod Gosalia has stated, in short, that around 1971-72, the export of ore by the Company stopped, due to financial difficulties and labour problems. Before the stoppage, the Company had about 80 employees in the Mines and Head Office which are now reduced to 2 or 3. Most of them resigned and left the Company S. Kantilal, which have not produced ore in the Mines for more than 10 years. The Mines of this Company are kept working by raising contractors. There was a dispute between the Management and the workers employed in the Mines in 1980. This dispute was for not getting their cooperation in production activity. Since the workers were not working, the Company decided to lay them off. The Head Office staff was also told by the Management that, since there was no production in Mines, there was no money to pay their wages and so they too were laid off.

In his cross, he has admitted that the workers employed were directly employed by the Company and not by the Directors. That S. Kantilal and Shantilal Khushaldas are sister concerns, both functioning in the same premises and the employees of one company were transferable to another with continuity of service. He did not issue any notice of lay off to the workers at the Head Office. The applicant and others were paid their wages according to their pay scale, whether or not they did any work.

9. This is all the evidence led by the parties.

The claim of Rs. 11,345-20 has not been denied by the Opponent, whose only contention is that, due to their financial difficulties, they could not effect payment to the applicant. The applicant has stated in his statement that, after the filing of the application, he has received salary for January and February 1981 at the rate of Rs. 847-90 and Rs. 200/- against salary for the month of March 1981 totalling Rs. 1,895-80. Hence, deducting Rs. 1,895-80 from Rs. 11,345-20, the applicant is entitled to receive from the Opponents Rs. 9,449-40 of his salary dues till January 1982.

10. Considering now issue No. 4, regarding lay-off.

Shri Vinod S. Gosalia has stated in his cross examination that he did not issue any notice of lay off to the workers at the Head Office. Even assuming, for the sake of arguments,

that, under the Standing Orders of the Company, the employer was entitled to lay-off the workers, in the absence of any such notice, there could not be any lay-off.

The contention of the employer that, as the employees in the Mines failed to give any production and so the employees at the Head Office had no effective work to perform, they were considered as on lay off without wages cannot be accepted. It is to be noted that the applicant's work was not linked with production and even assuming that there was no work for the employees at the Head Office for non production in the Mines, which fact, otherwise, is denied by the applicant, the employer, if it did not want to pay the salary of the employees in future could have retrenched them, after complying with the legal formalities, which he did not do.

11. In the premises above, I pass the following Order:

ORDER

The names of the Directors, Shri Pravinkumar S. Gosalia and Shri Vinod S. Gosalia as Opponents in this application should be deleted. The employer company is directed to pay to the applicant the total amount of Rs. 9,449-40 as his wages till January, 1982, with 12 p.c. interest till the date of effective payment. Costs of Rs. 100/- to be paid by the employer to the applicant.

Dr. Renato de Noronha

Presiding Officer
Labour Court

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th July, 1984.

IN THE LABOUR COURT GOA, DAMAN & DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/13/83

- | | |
|-----------------------|-------------|
| 1. Shri Aubrey Duarte | — Applicant |
| V/s. | |
| 1. M/s. OS Farm | — Opponent |

Applicant represented by Adv. A. Nigalye.

Opponent represented by Adv. G. M. Kanekar.

Panaji, Dated: 18-6-1984

AWARD

This is an application filed by the above applicant against the above Opponent, under Section 33C(2) of the I.D.A., 1947, in short the Act, claiming from the latter Salary from January 1983 to April 1983 at the rate of Rs. 1,150-00 per month, Bonus for the years 1981-82 and 1982-83 and Compensatory leave for Sundays and Holidays for 5 years, as per the annexure attached to the application.

2. The Opponent, in its written statement, has raised the preliminary objection regarding the jurisdiction of this Court to try and entertain this application on the ground that the applicant was working with the Opponent as Manager and in charge of the shop and drawing a salary of not less than Rs. 1000/- per month.

On the merits, it is alleged that the applicant has no leave at his credit, as he has enjoyed it from time to time. The applicant was incharge of the shop and all the transactions were made under his supervision and, hence, he is responsible for the frauds committed by the employees. The allega-

tions made in para 5 and 6 of the annexure to the application are denied.

3. In his rejoinder, the applicant has denied the averments made by the employer in its written statement and stated that, although he was called Manager, he did not perform any Managerial functions during the tenure of his services and, hence, he is a "Workman" as defined under section 2(s) of the Act.

4. Following issues were framed by the Court:

1. Whether the Opponent proves that this Court has no jurisdiction to entertain and try this application?
2. Whether the applicant proves that he is entitled to the reliefs claimed?"

5. On the date fixed for evidence, the Opponent and his rep. remained absent and so the case proceeded ex-parte regarding them. As the Opponent had to lead its evidence first on the preliminary issue and as he was not present, his evidence was declared closed. The applicant gave his statement in Open Court which was recorded ex-parte and the matter was fixed for arguments. On the date fixed for arguments, the Opponent sent an application for setting aside the ex-parte order passed by the Court against him at the earlier hearing, which application, in the absence of the applicant on the date of the hearing, was dismissed by the Court.

6. The applicant, in his statement before the Court, has stated that the Opponent firm consists of 2 partners, namely Mrs. Irene D'Souza who is in Goa, and Mr. Osborne D'Souza who is in Bombay. The applicant used to assist Mrs. D'Souza and also the other partner when he wanted some clarification. Being an aged person he was treated by the public as Manager. He was recruited on 16-11-1977 and in the appointment letter issued to him his designation is shown as Assistant in the shop. His initial salary was Rs. 400/- or Rs. 450/- per month but at the time of termination he was drawing Rs. 1,150/- per month. At the end of May 1983, when, after his sickness he wanted to resume duty, Mr. Osborne D'Souza who had come to Goa at that time, told him not to resume and that his services were terminated. His salary was paid upto December 1982. In his application he has claimed salary from January 1982 to April 1983. It is true that, during this period, he did not attend office due to his sickness, but informed the employer and even sent medical certificates regularly. He never enjoyed any leave and since he was entitled to more than 4 months leave for the entire period of his services, the period of his absence is to be treated as earned leave. In his appointment letter it is not mentioned how much leave he is entitled to. There were four to five employees in the firm. Even prior to 81-82 he was paid bonus by the employer. Similarly, other employees also were paid. To his knowledge, for the years 1981-82 and 1982-83 other employees too have not been paid bonus, because the employer was in financial difficulties. He has also worked on Sundays and Holidays, but not all. During the entire period of his services, he might have worked about 150 Sundays and about 50 Holidays for the employer. He is not able to say how many Sundays and Holidays he has worked when his pay was Rs. 1,150/- per month and how many, when his pay was Rs. 440/- or Rs. 450/- per month.

In the absence of the Opponent, this witness was not cross examined.

7. The applicant has claimed his salary from January 1983 to April 1983 at the rate of Rs. 1,150/- per month. The Opponent, in its written statement, admitted that the applicant was drawing more than Rs. 1,000/- per month and has not denied that his salary was Rs. 1,150/-, as stated by him in his application.

8. The applicant in para 1 of the annexure to his application has stated that he joined the Opponent firm on 15-11-1977, which fact has not been specifically denied by the Opponent in its written statement. From 15.11.1977 till the end of April 1983 his total services is about 5 years and 5 and half months, which would entitle him to 5 months leave for the period of five years at the rate of 30 days leave per year, as per the general rules. The applicant has stated in para 1 of the annexure to the application that he had not availed of any leave, except one month leave salary which was paid to him. Therefore, he would have atleast 4 months leave at his credit at the time of termination of his services, which fact, otherwise, the employer has admitted in its letter dated 25-1-1983, addressed to the applicant and a xerox copy of which the applicant has filed alongwith his application. In this letter the employer has admitted that the applicant has a lot of leave at his credit and should avail of it all and resume duty only after his full recovery from his sickness.

9. Since the applicant admittedly was sick from January till the date of his resignation, his 4 months' absence is to be considered as earned leave which he was entitled to and, therefore, I am awarding him full salary as prayed by him from January to April, 1983, at the rate of Rs. 1,150/- per month.

10. Regarding compensatory leave for Sunday and Holidays:

Since the applicant is not able to prove the number of Sundays and Holidays he has worked for the employer and, out of them, how many, when his pay was Rs. 1,150/- per month and how many, when his pay was Rs. 400/- or Rs. 450/- per month, this request of the applicant cannot be granted.

11. In view of what is stated above, I pass the following order:

ORDER

The Opponent is directed to pay to the applicant his salary from January 1983 to April 1983, at the rate of Rs. 1,150/- per month with 10 p.c. interest from the date of filing of this application till its effective payment. Costs of Rs. 100/- to be paid by the Opponent to the Applicant.

Dr. Renato de Noronha
Presiding Officer
Labour Court